

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Nancy C. Hardwick,)	C/A No. 4:15-2222-MGL-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	(Responses Required by April 4, 2016)
Bank of America, N.A.,)	
)	
Defendant.)	
)	

Plaintiff, proceeding pro se, filed this action against Bank of America, N.A. (BofA) concerning the parties' dealings surrounding a real estate loan and mortgage relating to real property located at 34 Pine Valley Lane, Surfside Beach, SC, 29575 (the "Pine Valley Property") and concerning an Horry County (SC) foreclosure action as to the Pine Valley Property (Horry County action number 2010 CP2611806). Compl. ECF No. 1-1.

Defendant filed a motion for summary judgment, ECF No. 33, to which Plaintiff responded, ECF No. 37, and Defendant replied, ECF No. 39. In reviewing Plaintiff's pro se response to Defendant's pending Motion, the court became aware that Plaintiff has a Chapter 13 bankruptcy proceeding pending in the United States Bankruptcy Court for the District of South Carolina ("Bankruptcy Court"). *See* ECF No. 37-2 at 2 (Plaintiff noting she filed an Emergency Chapter 13 Petition on December 7, 2015, which automatically stayed a foreclosure sale of the Pine Valley Property).

The undersigned takes judicial notice¹ that the Horry County foreclosure action concerning the Pine Valley Property was stayed on March 1, 2016 due to a bankruptcy filing.

¹ A court may take judicial notice of public records such as court documents. *See Philips v. Pitt Cty. Mem'l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009).

<http://publicindex.sccourts.org/Horry/PublicIndex/CaseDetails.aspx?County=26&CourtAgency=26003&Casenum=2010CP2611806&CaseType=V> (last visited March 18, 2016). The undersigned also takes judicial notice that Plaintiff has a Chapter 13 petition pending in Bankruptcy Court, Bankruptcy Petition #: 15-06494-jw. It appears that a Plan was confirmed on March 17, 2016. ECF No. 48 in Bankruptcy Court.

No later than April 4, 2016, the parties are ordered to file memoranda setting out their respective legal positions as to what impact the pending bankruptcy proceeding has on this litigation. The Clerk of Court is instructed to serve this on the pro se Plaintiff at her given mailing address and on Plaintiff's bankruptcy counsel of record, Jackson Turner-Vaught, Turner Vaught Bankruptcy, LLC, 4325 Dick Pond Road, Suite E, Myrtle Beach, SC 29588.

IT IS SO ORDERED.



March 21, 2016
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge